

FILED

DEC 17 2015

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

JILL D. MYERS, as executrix of the
Estate of ELTON C. WINE,

Plaintiff,

vs.

Civil Action No. 1:14-cv-00156-IMK

A.S. TAYLOR, individually, M.S. HORNE,
individually, J.C. SAURINO, individually,
J. TOMBLYN, individually, S.B.
HUFFMAN, individually, M.E.
WAGGAMON, individually,

Defendants.

ORDER APPROVING COMPROMISE OF CLAIM

Now comes the Plaintiff, Jill D. Myers, as executrix of the Estate of Elton C. Wine, by counsel, John H. Bryan and Brian Carr, and tendered unto the Court her Motion to Compromise Claim, and the Court after reviewing the same, does hereby GRANT said Motion and APPROVE the compromise of this wrongful death claim. The Court heard testimony of Plaintiff and finds that the assertions stated in the Motion are true and further finds that no person was financially dependent upon Elton C. Wine at the time of his death, but that two individuals, Lillian Wine and Sarah Mayle, both daughters of Mr. Wine, are the only two individuals entitled to seek distribution of settlement proceeds.

Based upon the testimony of Plaintiff and facts contained in the Motion, the Court does hereby approve the proposed settlement amount of Eighty Five Thousand and 00/100 Dollars (\$85,000.00), as well as the 2016 in-service training for West Virginia State Troopers on the myers folder "knock and announce" requirements, and does hereby authorize Plaintiff, Jill D.

Myers, as executrix of the Estate of Elton C. Wine, to pay the following amounts from the settlement funds:

Attorney Fees to John H. Bryan, Attorney at Law	\$19,125.00
Attorney Fees to Brian D. Carr, Carr Law Offices	\$19,125.00
(together 45% of the settlement amount pursuant to the terms of the contingent fee agreement)	
Legal Expenses to John H. Bryan, Attorney at Law	\$4,826.38
Sarah L. Mayle	\$20,961.81
Lillian M. Wine	\$20,961.81

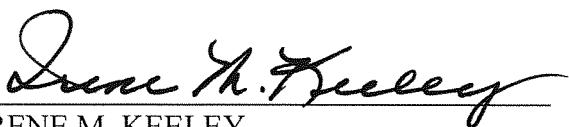
Upon payment unto Plaintiff of the total settlement sum, the Plaintiff shall execute and deliver unto the Defendants and their employer a full and complete release of any and all claims against the plaintiffs, their employer and their insurers.

The Court further orders that the parties bear their own attorney fees and expenses. The Court further Orders that all matters in controversy between Plaintiff and Defendants have been agreed upon, compromised and settled and does further Order that this action be stricken entirely from the docket of the Court with prejudice to the Plaintiff, the Plaintiff having agreed to dismiss any and all claims.

It is so ORDERED.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: December 17, 2015


IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE